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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/281,421	03/30/1999	GURUDUTH SOMASEKHARA BANAVAR	YO998-525	7217

7590 04/14/2004
KEVIN P RADIGAN
HESLIN & ROTHENBERG
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ALBANY, NY 12203

EXAMINER

HO, CHUONG T

ART UNIT PAPER NUMBER

2664

DATE MAILED: 04/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/281,421

Applicant(s)

BANAVAR ET AL.

Examiner

Chuong Ho

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-15,24-38,47-54.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

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1. The response filed 03/25/04 have been entered and made of record.
2. Claims 1-15, 24-38, 47-54 are pending.
3. Applicant's response filed 03/25/04 have been fully considered but they are not persuasive.

As per to Applicant's argument, the Applicant's argue in substance the following:
Page 4, lines 14 – 19, "Applicants' independent claims recite routing a message to multiple clients of a network, based on data content or the message, irrespective of any destination information within the message, in a manner that is resilient to router or link failure within the network without loss of the message. There is no discussion in Marco of router or link failure per se, nor of a **resilient routing technique for a network which routes a message without loss of the message**, not withstanding router or link failure".

The Applicant's argument is not persuasive.

Marco (U.S. Patent No. 6,266,337 B1) teaches a resilient technique for a network which routes a message without loss of the message (see figure 1, retransmission eliminator (routers) 36A, 36B, see col. 3, lines 55-60, the retransmission eliminator 36B on the local network side of the hop then retrieves (packet cache) and send the actual packet to the destination computer 20. Thus, the retransmission eliminators 36A, and 36B reduce the traffic on the relatively expensive link (i.e., the hop) thereby reducing transmission cost) (see figure 2, see col. 4, lines 45-47, the packet data 60 stored in the data memory 56 (a retransmission eliminator 36) that is addressed by the pointer associated with the checksum from the hash table 54) (see col. 5, lines 10-20).

Therefore. Marco clearly discloses a resilient routing technique for a network which routes a message without loss of the message.

In the page 5, lines 1-4, lines 21-23, page 8, lines 10-14, the applicant alleged that Marco does not discuss or address being **resilient to router or link failure within network without loss of message.**

The applicant's argument is not persuasive.

Marco (U.S. Patent No. 6,266,337 B1) teaches a resilient technique for a network which routes a message without loss of the message (see figure 1, retransmission eliminator (routers) 36A, 36B, see col. 3, lines 55-60, the retransmission eliminator 36B on the local network side of the hop then retrieves (packet cache) and send the actual packet to the destination computer 20. Thus, the retransmission eliminators 36A, and 36B reduce the traffic on the relatively expensive link (i.e., the hop) thereby reducing transmission cost) (see figure 2, see col. 4, lines 45-47, the packet data 60 stored in the data memory 56 (a retransmission eliminator 36) that is addressed by the pointer associated with the checksum from the hash table 54) (see col. 5, lines 10-20).

Therefore. Marco clearly discloses a resilient routing technique for a network which routes a message without loss of the message.

Chandra and Bracho are both to disclosing routing of message to multiple clients of a network, routing being based on data content of message irrespective of any destination information within message (see Chandra, col. 3, lines 21-23, col. 4, lines 16-18) (see Bracho, col. 2, lines 5-10).

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong Ho whose telephone number is (703) 306-4529.

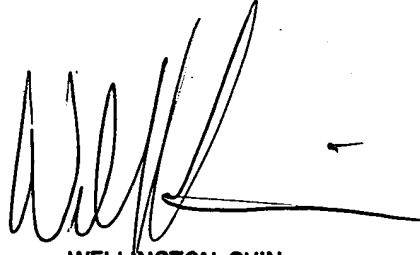
The examiner can normally be reached on 8:00AM to 4:00PM.

5. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chuong Ho
Examiner
Art Unit 2664

04/10/04



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